Setbacks, Placer County Zoning Ordinance, Section 17.54.130

Required setbacks describe areas on lots where no buildings, structures, or additions to them may be located, and which thereby become yard areas. Setbacks may be required between buildings, structures and property lines; between structures and road easements; between buildings and structures themselves; between buildings, structures and natural features such as watercourses; or between other features of site development. These regulations are not intended to allow the placement of any structure within a road or utility easement without explicit permission from the easement holder.

- A. Setbacks Established. Required setbacks are established by:
- 1. Sections 17.06.060 et seq., of this chapter (Zone district regulations) for development within each zone district;
- 2. The -B combining district (Section 17.28.010), the -DL combining district (Section 17.52.060), the -DR combining district (Section 17.52.080), and the -PD combining district (Section 17.52.120), for development within those combining districts;
 - Article 17.56 (Specific Use Requirements) for certain specific land uses;
 - 4. Sections 17.54.140 et seq., for special circumstances, including exceptions;
 - 5. The Uniform Building Code as adopted in Chapter 15 of the Placer County Code;
 - 6. The environmental health division of the Placer County health department; and
- 7. Applicable laws of the state of California (e.g., the California Board of Forestry Fire Safe Regulations (Section 1276.01, California Code of Regulations)).
- B. Resolution of Conflicts. In the event of any conflicts between the setback requirements within this chapter or any conflicts between this chapter and other laws, codes, ordinances, etc., the order of priority for applying the setback requirements shall be as follows:
- 1. Applicable laws of the state of California (only where such laws specify greater setbacks than any applicable section below);
- 2. Development agreements approved and signed by the board of supervisors and recorded with the Placer County clerk/recorder;
- 3. Setbacks shown in subdivision conditions of approval or on final maps or parcel maps for subdivisions recorded in 1970 or thereafter;
 - 4. The exceptions as provided in Section 17.54.150;
- 5. Setbacks shown in subdivision conditions of approval or on final maps or parcel maps for subdivisions recorded prior to 1970;
 - 6. General plan and community plan standards (see Section 17.02.050(D)(2));
 - 7. The setback requirements of Article 17.56 (Specific Use Requirements);
 - 8. The setbacks required by the building site (-B) combining district (Section

17.52.040);

- 9. The setback exceptions provided in Section 17.54.140 (Exceptions to front, side and rear setbacks);
 - 10. Conditions of land use permit approval;
 - 11. The setbacks established for each zone by Sections 17.06.060 et seq.
- C. Location and Measurement of Setbacks. The setbacks required by this chapter shall be located on parcels as shown in Figure 17.54-E, and as follows, except where otherwise provided by Section 17.54.140 (Exceptions to front, side and rear setbacks):
- 1. Front Setbacks. The front setback is an area formed by a line parallel to a front property line (a lot boundary that abuts any adjacent road or street), or a line parallel to any public or private road that may cross a single parcel as an interior road. The front setback is measured at right angles to the front property line or interior road. A lot (such as a corner lot) may have more than one front setback.
- 2. Rear Setbacks. The rear setback is an area formed by a line parallel to the rear property line. The rear property line is opposite the front property line of the parcel. Rear setbacks are measured at right angles to the rear property lines.
- 3. Side Setbacks. The side setback is an area formed by a line parallel to the side property lines of a lot, (property lines that are neither front or rear property lines), that extends between front and rear setback areas. In the case of a corner lot, there is no rear property line, only two front and

two side property lines (see Figure 17.54-E). Side setbacks are measured at right angles to the side property lines.

Where building setbacks are tied to the height of a structure (e.g., five-foot side setback for one-story buildings; seven and one-half foot setback for two-story buildings), the structure may be built to the maximum height specified if the setback for that height is provided (this may result in a building that is two stories on one side [with a seven and one-half foot side setback] and one story on the other side [with a five-foot side setback].

4. Interior Setbacks. An interior setback is an area of separation between two structures on a single parcel. Interior setbacks are established by Section 17.54.160.

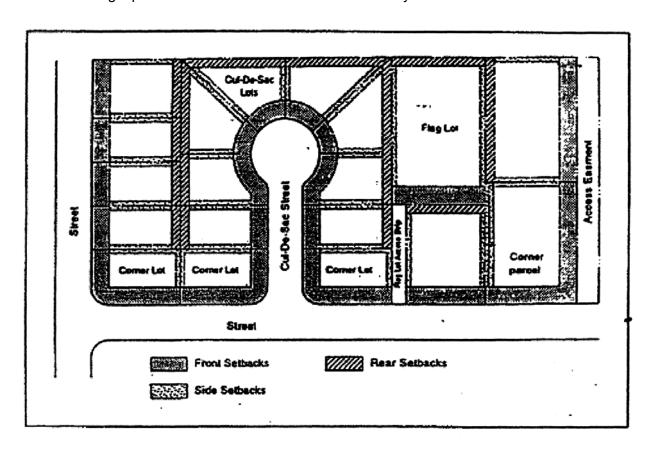


FIGURE 17.54-E LOCATION OF REQUIRED SETBACKS

- D. Use of Setbacks. No structure (including main or accessory buildings, building projections, enclosed or unenclosed decks, or any other structure) shall be permitted within any required setback area, except for:
 - Underground utilities and septic tanks;
 - 2. Fences pursuant to Section 17.54.030 (Fencing and landscaping);
 - 3. Signs pursuant to Section 17.54.170 et seg. (Signs);
 - 4. Propane tanks as provided by the Uniform Building Code;

and as otherwise provided by Sections 17.54.140 (Exceptions to front, side and rear setbacks) and 17.54.150 (Projections into required setbacks). A setback provided around any building for the purpose of complying with provisions of this chapter shall not be considered as providing a yard or setback for any other building. (Ord. 5416-B (Exh. A) (part), 2006; Ord. 5126-B (part), 2001)

17.54.140 Exceptions to front, side and rear setbacks.

The following setbacks shall apply instead of those required by Sections 17.06.060 et seq., (Zone district regulations), as determined by each of the following subsections: (Advisory Note: Placer County

has adopted design guidelines which may apply to projects in design review districts (i.e., -Dc, -Dh, -Ds) (Section 17.52.070) or to discretionary permits which have specific conditions of approval that require review of the project's design features by the DRC):

- Front Setback Exceptions.
- 1. Special Building Setbacks—SCR 92 Highway Deficiency Report. Whenever the ultimate highway right-of-way for a particular segment of roadway is shown in the Placer County SCR 92 Highway Deficiency Report, the front setback for any parcel that has frontage on that segment of roadway shall be one-half of the special ultimate right-of-way plus the normal front setback for the zone district within which the parcel is located, as measured from the physical centerline of the existing roadway (or the design centerline of the roadway if no physical road exists).
- 2. Sloping Lots of Forty Thousand (40,000) Square Feet or Less. Where an existing sloping lot contains forty thousand (40,000) square feet or less in net area and setback requirements are not specified on the recorded subdivision map, the required front setback may be determined as set forth in this subsection instead of as otherwise required by Sections 17.06.060 et seq., (Zone district regulations), or by the -B combining district (Section 17.52.040). This section is not intended to allow the placement of any structure within any easement without explicit permission from all parties to the easement. This section is not intended to allow the creation of new lots that do not satisfy all applicable standards of this zoning ordinance.
- a. Reduced Setback for Buildings. Where the average difference in elevation in the first sixty (60) feet of the lot measured perpendicularly between the edge of the pavement or traveled way and the building is one vertical foot for every four horizontal feet or more, the front setback may be reduced by no more than fifty (50) percent of that required for other lots in the same zone. Any structure placed at the reduced setback shall satisfy the requirements of subsection (A)(4) of this section.
- b. Reduced Setback for Parking. Where the average slope between the edge of the pavement or traveled way and the front setback line prescribed for the zone district is more than twenty (20) percent, a private garage, carport, uncovered paved parking pad or deck with at least two parking spaces may be built to the property line at the street right-of-way; provided that it is located at least eight feet from the nearest side lot line of the front half of an adjacent lot, and also satisfies the requirements of subsection (A)(4) of this section. Such structures may contain storage and workshop areas so long as they are below the street grade, or, if above the street grade, these facilities are outside of the required front setback area.
- 3. Reduced Setbacks on Zoning Map 22B. For parcels which are forty thousand (40,000) square feet or less in net area and are located on zoning map No. 22B, garages or decks may be built to less than the building setbacks established by either the zone district or a recorded final map where the following criteria are met, as well as the requirements of subsection (A)(4) of this section, as applicable:
- a. On a corner lot, the garage structure must be directly in line with the unit and have a minimum of a thirty (30) foot setback from the edge of the pavement on both sides facing the intersecting streets. On interior lots, both garages and decks may be constructed within the front setback but not closer than thirty (30) feet from the edge of the pavement.
- b. For purposes of determining the setback from the edge of the pavement, the formula to be used is the entire width of the pavement or the traveled way divided by two, plus thirty (30) feet (W / 2 + 30 feet), as measured from the centerline of the existing pavement or the traveled way.
- c. The only exception to this section is in cases where the grade of the land falls within current zoning codes for a lesser setback (see subsections (A)(2)(a) and (b) of this section).
- d. All persons applying to build a garage or deck using the provisions of this section shall be required to sign an agreement holding Placer County harmless for any structural damage or glass breakage resulting from Placer County snow removal operations.
- e. The garage must be of sufficient size to accommodate two parking spaces of eight by twenty (20) feet each.
- 4. Restrictions on Structures at Reduced Setbacks. Any building or structure approved for construction at the reduced front setbacks provided by this section shall satisfy the following:

- a. Any proposed construction requiring a building permit shall first have been approved by the public works department.
- b. No structure or improvement shall be allowed within any county road rightof-way without first obtaining an encroachment permit from the Public Works Department. No structure shall encroach into an established easement unless the easement has first been abandoned.
- c. No living area shall be permitted above, below or within any garage or other parking structure located within the front setback area under the provisions of Section 17.54.140(A)(2)(b), unless specifically approved by the zoning administrator or the planning commission in response to a formal variance application and at a legally noticed public hearing. Living area is permitted within any structure(s) located within the front setback area pursuant to the provisions of Section 17.54.140(A)(2)(a).
- d. Any portion of a garage or other parking structure lying within the normal front setback area specified in the zone district within which the structure is located shall be no more than one story in height above the elevation of the street(s) upon which it fronts, unless specifically approved by the Zoning Administrator or the Planning Commission in response to a formal variance application and at a legally noticed public hearing.
- e. Any parking structure permitted by this section at a reduced front setback shall still provide at least twenty (20) feet of parking area between the edge of the roadway and the structure.
 - B. Side and Rear Setback Exceptions.
- 1. Common Wall Development. Any two dwelling units and/or their accessory garages, may be constructed on adjoining lots without setbacks between them (see Figure 17.54-F) provided that:
- a. Waiver of the side setback requirement has been authorized through subdivision map, conditional use permit, or variance approval; and
- b. A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
- c. The side setbacks opposite the common wall property line are not less than two times the minimum width required by this chapter;
- d. Common wall construction is in compliance with the Uniform Building Code.
- 2. Dwellings in Commercial or Industrial. A dwelling proposed in any commercial or industrial district shall provide side and rear setbacks as required in the residential multifamily (RM) district, except when the dwelling is located within a commercial or industrial building.
- 3. Multifamily Projects. Where a side yard provides access to individual dwellings arranged in a row parallel to the side lot line, the required side setback shall be twelve (12) feet. (See Figure 17.54(G).)
- 4. Narrow Lots. Where a lot is less than sixty (60) feet wide, required side setbacks shall be equal to ten (10) percent of the lot width, but no less than three feet, unless the lot is designated with a -B combining zone (Section 17.52.040), a -DL combining zone (Section 17.52.060), a -DR combining zone (Section 17.52.080) or a -PD combining zone (Section 17.52.120), in which case the standards of the combining districts are required.
- 5. Fire Safe Setbacks. On parcels which are one acre or larger in size and which are otherwise subject to the provisions of the California Board of Forestry Fire Safe Regulations (Section 1276.01, Title 14, California Code of Regulations), and if previous approval has been obtained from the California Department of Forestry and Fire Protection (CDF) and/or the serving local fire protection agency, as appropriate, the planning director is authorized to approve a reduction of the side and/or rear setback requirement from thirty (30) feet to the standard setback that would be applicable in the zone district, or a setback depicted in the subdivision approval, upon the submittal of a building permit application by an applicant. Such an approval may take the form of a zoning clearance (see Section 17.06.040 of this chapter); no public hearing is required
- 6. Swimming Pools. Swimming pools*, including hot tubs, spas, and related equipment**, are subject to the following setback requirements*** (except where otherwise provided by

Section 17.54.140 (Exceptions to front, side and rear setbacks), and except for any fencing requirements of Chapter 15 of this code (Construction Requirements)).

Required Setbacks for Swimming Pools and Pool Equipment

Setback Location	Where Parcel is Less than 2.3 Acres in Area:			Where Parcel is 2.3 Acres or More in Area:
	Pool	Equipment	Pool	Equipment
Front	25 feet	25 feet	50 feet	50 feet
Side	3 feet	5 feet	25 feet	25 feet
Rear	5 feet	5 feet	25 feet	25 feet

- * Also included are "Doughboy"-type pools, if any deck structures requiring a building permit are associated with them. "Doughboy" pools with no associated deck structures are not subject to any setback requirements if they are located on parcels of one acre or larger; if such pools are located on parcels which are less than one acre in area, they are subject to the setback requirements listed in the chart below which apply to parcels that are less than 2.3 acres minimum lot area.
- ** "Related equipment" may include, but is not limited to, filters, pumps, solar heating panels, heaters, imitation waterfalls, etc., and other equipment less than 6' in height.
- *** Setbacks as required by this subsection (17.54.140(B)(6)) are measured from the waterline of the pool, hot tub or spa to the nearest property line. For all other items governed by this subsection, setbacks shall be measured from the nearest property line to the closest point on the equipment/enclosure.

Note: Gazebos, storage/tool sheds, cabanas, pool houses, etc. are subject to the setbacks for a main building in the same zone district.

- 7. Tahoe, Martis Valley, Truckee River Corridor and Serene Lakes. Side setback requirements for new residential structures (or additions to existing structures) in the Lake Tahoe basin, the Martis Valley area, the Truckee River corridor and in the vicinity of Serene Lake (zoning maps 22A, 22B, 23A, 23B, 24, 25, 26A, 26B, 26C, 26D, 27, 28, 29, 30, 31A, 31B, 32, 33 and 34) are as follows, due to special problems created by heavy snow accumulations in those areas:
 - a. Seven and one-half feet on each side for single-story structures;
 - b. Ten (10) feet on each side for two-story structures;
 - c. Fifteen (15) feet on each side for structures with three or more stories.
- 8. Zero Lot Line Development. A group of dwellings on adjoining lots may be designed and constructed so that they all abut one side lot line (see Figure 17.54-H), provided that:
- a. The side setback requirement has been modified for the entire block through subdivision map or conditional use permit approval; and
- b. The modified setback requirements for the block are recorded as part of a subdivision map, deed restriction, or other enforceable restriction;
- c. The required front setback is not eliminated or reduced on the street side of a corner lot;
- d. Side setbacks opposite the zero setback property line are not less than twice the minimum otherwise required by this chapter.

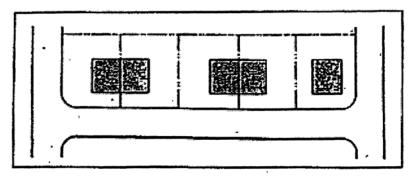


FIGURE 17.54-F COMMON WALL DEVELOPMENT

(Section 17.54.140(B)(1))

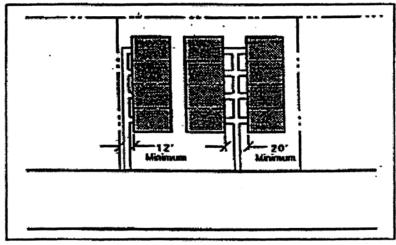


FIGURE 17.54-G
MULTI-FAMILY DWELLING SETBACKS

(Sections 17.54.140(B)(3) and 17.54.160)

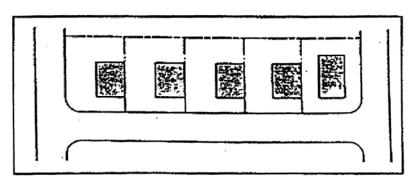


FIGURE 17.54-H ZERO LOT LINE DEVELOPMENT

(Sections 17.54.140(B)(6))

C. Temporary Structures. Structures that are temporary or can easily and readily be removed, have no more than one hundred twenty (120) square feet of floor area (See Section 106.2, Chapter 1, Uniform Building Code (1996)), and are not permanently attached to the ground (including but

not limited to surface utilities and storage bins), may be allowed within the setbacks required by this chapter if the site is zoned for a minimum lot area of one acre or more, and snow tunnels may be allowed within required setbacks if located within Placer County zoning map No. 22B, in the Serene Lakes area. Snow tunnels are also subject to the requirements of Section 15.76.240 (Snow Tunnels). See also Section 17.56.180(C)(12)

- 1. Note: A "structure" is defined in Article 17.04 of this chapter as: any artifact constructed or erected, the use of which requires attachment to the ground, or over one hundred twenty (120) square feet in area, or over six feet in height, or any structure that requires a building permit, including any building, but not including fences or walls six feet or less in height, or concrete flatwork such as patios or planters less than twelve (12) inches in height.
- D. Watercourse Setbacks. All proposed structures shall be set back from any stream, creek, canal, pond, lake or river, as follows. The watercourse setbacks required by this subsection shall be measured from the centerline of the stream. These setbacks may be modified by a finding of good cause (including verified map errors, etc.) by the appropriate hearing body.
- 1. Permanent streams and man-made canals. The required setback from the centerline of a permanent stream shown on a United States Geological Survey (USGS) topographic map, or man-made canal shall be one hundred (100) feet.
- 2. Intermittent streams, ponds and lakes. The required setback from the centerline of an intermittent stream shown on a USGS topographic map shall be fifty (50) feet. The required setback from any pond or lake whether man-made or natural shall be fifty (50) feet measured from the high water line.
- 3. Exceptions for Community Plan and Special Zoning Areas. Within the areas covered by Community Plans (e.g., Dry Creek-West Placer, Granite Bay, Auburn/Bowman and others adopted by the county) required watercourse setbacks shall be as specified in those community plans. Watercourse setbacks in areas of the county which have special watercourse setbacks identified on adopted zoning maps or shown on subdivision final maps recorded prior to the effective date of this chapter shall be considered exceptions to the requirements of this section.
- 4. Discretionary Land Use Permit Projects. Projects required by Sections 17.06.050 and 17.06.060 et seq. to have discretionary land use permit approval may be required by conditions of approval to provide greater or lesser setbacks than those required by this section and/or be required to provide setbacks from watercourses that are not shown on the USGS maps.
- E. Pumphouses and Other Small Structures. Pumphouses and other similar small utility structures which are permanent in nature and have no more than one hundred twenty (120) square feet of floor area and do not require a building permit may be constructed within otherwise prescribed setbacks, subject to the zoning clearance procedure. (Ord. 5126-B (part), 2001)

17.54.150 Projections into required setbacks—Building features and equipment.

Certain building, roof and wall features and building equipment, including but not limited to chimneys (only those without foundations and which do not touch the ground (e.g., cantilevered chimney chases on the second story of a residence, etc.)), bay windows, cornices, eaves, canopies, landings, stairways, and similar architectural features (not including decks thirty (30) inches or more above natural grade, porches, or other indoor or outdoor living areas), and equipment such as solar collectors and air conditioning equipment may extend into required setbacks as follows, where consistent with the requirements of Section 504 and Section 1711 of the Uniform Building Code:

- A. Front and Rear Setbacks. Such features and equipment may extend into any required front or rear setback a maximum of five feet; provided, that any equipment (other than window-mounted air conditioners) shall be screened from the view of any public road.
- B. Side Setbacks. Such features and equipment may extend into any required side setback a maximum of two and one-half feet, provided that no such feature shall be permitted within two feet of any side lot line.
- C. Enclosure of Equipment Required. When located within a required setback as allowed by this subsection, and within ten (10) feet of indoor/outdoor living areas on adjoining property, mechanical equipment that generates noise (such as air conditioning equipment) shall be enclosed as necessary to reduce noise at the property line to a maximum of fifty (50) dBA at any time.

D. Note. The provisions of this section apply to all building sites (including those created as a part of a Planned Residential Development) unless this section was specifically excluded by the hearing body within the conditions of approval of the project. (Ord. 5126-B (part), 2001)

17.54.160 Interior setbacks.

Setbacks between structures on the same site shall be as provided by this section.

- A. Residential Projects.
- 1. Separation Between Buildings. The minimum separation between detached dwellings or buildings containing multiple dwellings on the same site shall be as required by the Uniform Building Code or the conditions of approval of a discretionary permit (MUP or CUP) approved for the project.
- 2. Interior Courtyards. Two rows or groups of dwellings on the same site that are separated by an inner court that provides access to the dwellings shall be separated by a minimum of twenty (20) feet. (See Figure 17.54-G.)
- B. Agricultural, Commercial or Industrial Projects. As required by the Uniform Building Code. (Ord. 5126-B (part), 2001)